

REMARKS

I. Support for Amendments

Claims 1 and 5 were amended in order to more clearly define the claimed invention. Support for newly added claims 25 through 28 can be found throughout the Specification, for example, on page 2, lines 15-21, page 8, lines 20-27, and page 11, lines 12-16. Accordingly, no new matter is added by this Amendment and entry thereof is respectfully requested.

II. Request for Reconsideration of Restriction Requirement

Under 37 C.F.R. § 1.143, Applicants respectfully request reconsideration of the restriction requirement dated June 18, 2003. The Examiner restricted the invention by asserting that the CD8 $\alpha\alpha$ and CD8 $\alpha\beta$ molecules are patentably distinct species because they are chemically different and have different functional properties.

A restriction requirement is proper when (1) the inventions are independent or distinct as claimed; and (2) there is a serious burden on the Examiner. Applicants respectfully submit that the examination of soluble CD8 $\alpha\alpha$ and CD8 $\alpha\beta$ molecules are closely linked and that the examination of these two molecules together would not pose a serious burden on the Examiner.

Applicants respectfully submit that CD8 $\alpha\alpha$ and CD8 $\alpha\beta$ are closely related and have similar functional properties. As stated in the specification on page 11, lines 14-16, these molecules "are functionally equivalent and no significant differences in the effects of using one or the other for immune inhibition would be expected." In addition, claim 1 requires that at least one α chain of the soluble CD8 dimer have the amino acid sequence of SEQ ID NO: 23 (the sequence of a soluble recombinant human CD8 α protein), or a minor variant thereof.

Accordingly, the Examiner need only carry out a search in respect to this sequence which would not pose a serious burden on the Examiner. In addition, as amended, claim 1 does not

specifically claim the CD8 $\alpha\alpha$ or CD8 $\alpha\beta$ molecules. Instead, claim 1 is now generic and claims to the individual CD8 $\alpha\alpha$ and CD8 $\alpha\beta$ molecules have been rewritten in dependent form.

For these reasons, Applicants respectfully request that the restriction requirement be revised so that CD8 $\alpha\alpha$ and CD8 $\alpha\beta$ are examined together.

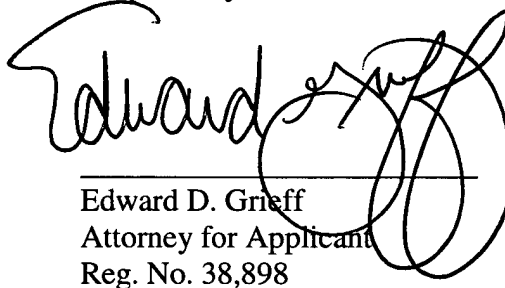
III. Provisional Response to Restriction Requirement

Applicants provisionally elect the soluble CD8 $\alpha\alpha$ molecule, including claims 1, 5, 24, 25, and 27, with traverse.

IV. Conclusion

Applicants respectfully request that the restriction requirement be withdrawn in regard to CD8 $\alpha\alpha$ and CD8 $\alpha\beta$. An early and favorable consideration and allowance of claims 1, 5, and 24-28 is respectfully requested.

Respectfully submitted,



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